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DEPARTMENT OF THE NAVY  
NAVAL FACILITIES ENGINEERING COMMAND  
WASHINGTON, D. C. 20390

December 22, 1969

Dear Senator Jackson:

The Chief of Legislative Affairs has referred to us your letter of December 1st on behalf of Mr. William H. Mahan, Commissioner of Kitsap County, Washington, concerning disposal of trash collected under Contract N62476-69-C-0181, Refuse Disposal Service, Puget Sound Naval Shipyard, Bremerton, Washington. Mr. Mahan has requested assistance in preventing the dumping of the trash in an unlicensed dump.

The contract in question, with Ames Auto Wrecking, Inc., provides that the contractor shall collect and dispose of the trash, using his own trucks and associated equipment. There are two provisions of the contract which are pertinent, as follows:

"2.3 Ownership .... the refuse shall become the property of the contractor after it has been delivered to the disposal site and he shall be fully responsible for its proper disposal ..."

"2.5 Compliance with laws. The refuse disposal service shall comply with all applicable Federal, State and local laws and regulations."

These provisions reflect the extent of the United States' authority to effect compliance with local regulations regarding proper disposal of the waste. Beyond this, the local authorities are responsible for the enforcement of their regulations. In this regard, we have been advised that the Kitsap County officials have sought a temporary restraining order against the contractor, prohibiting him from using the dump site in question.

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We hope this information will be of assistance to you in replying to Mr. Mahan.

Sincerely,

E. R. Oscarson  
Commander, CEC, USN  
Acting Executive Assistant/Aide  
to COMNAVFACENGCOM

Honorable Henry M. Jackson  
United States Senate  
Washington, D. C. 20510